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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

_____) 3:09-md-02100-DRH-PMF
IN RE YASMIN AND YAZ)
(DROSPIRENONE) MARKETING,)
SALES PRACTICES AND PRODUCTS)
LIABILITY LITIGATION,)
_____) MDL No. 2100
_____)

TRANSCRIPT OF PROCEEDINGS
STATUS CONFERENCE
OCTOBER 24, 2014
BEFORE THE HONORABLE DAVID R. HERNDON
CHIEF UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiffs: Mark R. Niemeyer, Michael Burg, Roger
C. Denton

For the Defendant: Kaspar Stoffelmayr, John Galvin, Susan
Weber, Gary McConnell, Prentiss Hallenbeck, Jr.

Court Reporter: Laura A. Esposito, RPR, CRR
U.S. District Court
750 Missouri Avenue
East St. Louis, IL 62201
(618) 482-9481

Proceedings recorded by mechanical stenography;
transcript produced by computer.

1 **(Court convened)**

2 *THE COURT:* Sorry we're late, folks. We're calling
3 to order the YAZ and Yasmin MDL 2100 status conference.

4 The first matter on the agenda is the update on the
5 gallbladder resolution program. Mr. Burg and
6 Mr. Stoffelmayr are present at the podium to address these
7 issues. Who wants to --

8 *MR. BURG:* Your Honor, Michael Burg. Thank you,
9 Your Honor.

10 As you know, there was a presentation that was done
11 earlier as to how we're coming with the lien resolution.
12 One of the problems that we're facing deals with the states
13 not responding to the requests, and I understand that the
14 Court is going to discuss that and potentially do what it
15 can do to see if we can get the states to respond so we can
16 hopefully get those settlement amounts to our clients.

17 *THE COURT:* I guess we got about 35 states that are
18 not responding at this point so we need to do something to
19 try to get them to respond.

20 *MR. BURG:* That's correct, Your Honor.

21 *THE COURT:* Okay. Anything Mr. Stoffelmayr,
22 anything else on that?

23 *MR. STOFFELMAYR:* No. All I'd add for the record
24 is, this morning we submitted the third of what I guess will
25 be eight or nine lists of plaintiffs whose cases have been

1 resolved as a part of the gallbladder resolution program
2 that's under CMO 64.

3 *THE COURT:* Okay, great. Next one is generic fact
4 discovery, Bayer cases.

5 *MR. BURG:* Your Honor, I understand there was a
6 deposition taken either yesterday or today. We're moving
7 forward with that. I think both parties are moving forward
8 cooperatively in that manner and we're proceeding
9 accordingly.

10 *MR. STOFFELMAYR:* Nothing to add, Your Honor.

11 *THE COURT:* All right. And so we have CMO 65 that
12 the Court has issued, which gives direction to the party
13 with respect to designating certain cases, and parties have
14 now complied with that, and I've asked the parties to submit
15 plaintiff fact sheets to assist the Court in further
16 designating cases, so if there's -- if the PSC contacts
17 individual lawyers about assisting in being able to forward
18 those to the Court, I appreciate everybody's cooperation on
19 that.

20 Mr. Burg, is there anything you want to address
21 with respect to this issue?

22 *MR. BURG:* No, Your Honor.

23 We are going to proceed pursuant to the Court's
24 order, and we've talked to defense counsel about making sure
25 that the plaintiff fact sheets are delivered to Your Honor

1 so you'll be able to make your selections.

2 *THE COURT:* Mr. Stoffelmayr?

3 *MR. STOFFELMAYR:* Nothing to add, Your Honor.

4 *THE COURT:* All right. PFO case selection on that
5 is consistent with the other part of that. That's agenda
6 item four. Do you have anything else to add on that?

7 *MR. BURG:* Nothing, Your Honor.

8 *MR. STOFFELMAYR:* No, Your Honor.

9 *THE COURT:* And VTE settlements, I also issued an
10 order relative to that, and on the settlements in general
11 but VTE in particular, and expect both sides to work
12 together in good faith to continue to settle or at least
13 negotiate in good faith on these issues. And I understand
14 the parties are meeting. It's -- negotiations are
15 continuing.

16 Anything you want to talk about that, Mr. Burg?

17 *MR. BURG:* Your Honor, no. I know there are
18 meetings that are continuing to take place, and pursuant to
19 your order, future meetings will take place, and we look
20 forward to those mediations.

21 *MR. STOFFELMAYR:* Nothing to add there, Your Honor.

22 *THE COURT:* All right. Very well.

23 So the next conference -- I have a trial scheduled
24 December the 1st, so we're going to try to meet over the
25 lunch hour on December the 2nd. So the in-court conference,

1 status conference, will be at 1:00 on December the 2nd.

2 If there's nothing else, we stand adjourned. I
3 appreciate everybody's hard work.

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5 *(Court adjourned)*

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REPORTER'S CERTIFICATE

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9 I, Laura A. Esposito, RPR, CRR, CCR(MO), Official Court
10 Reporter for the U.S. District Court, Southern District of
11 Illinois, do hereby certify that I reported in shorthand the
12 proceedings contained in the foregoing 4 pages, and that the
13 same is a full, true, correct, and complete transcript from
14 the record of proceedings in the above-entitled matter.

15 Dated this 3rd day of November, 2014.

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LAURA A. ESPOSITO, RPR, CRR, CCR

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